

Filling and Selling of Growlers from Class “C” Beer Permit Premises

TO: Class “C” beer permit holders and class “E” liquor control licensees with the privilege to sell beer for off-premises consumption, including, but not limited to, grocery stores, liquor stores, and convenience stores.

INTRODUCTION

The Iowa Alcoholic Beverages Division (Division) administers and enforces the laws of Iowa concerning beer, wine, and alcoholic liquor. The purpose of this bulletin is to provide clarification to class “C” beer permit holders who desire to fill and sell beer in a container other than the original container.

BACKGROUND

During the 2015 legislative session, Iowa Code § 123.132 was amended to allow class “C” beer permit holders to fill and sell beer in a container other than the original container, subject to rules of the Division. The Division drafted new rule 185 – 4.6(123), in consultation with stakeholders, which became effective March 9, 2016.

DISCUSSION

Rule 185–4.6(123) provides guidelines to class “C” beer permit holders who desire to fill and sell beer in a container other than the original container, otherwise known as a growler. These guidelines include requirements and restrictions for the filling, refilling, sealing, and selling of growlers, as outlined below.

Difference between original container and growler

The difference between an original container and a growler can be found by looking at the definition of each.

- *“Original container”* means a vessel containing an alcoholic beverage that has been lawfully obtained, bears a label approved by the Alcohol and Tobacco Tax and Trade Bureau, and has been securely capped, sealed or corked at the location of manufacture.
- *“Growler”* means any fillable and sealable glass, ceramic, plastic, aluminum or stainless steel container designed to hold only beer or high alcoholic content beer.

Filling and refilling requirements

- A growler shall have the capacity to hold no more than 72 ounces.
- A growler shall be filled or refilled only by a retailer, or their employees, who are 18 years of age or older.
- A growler shall be filled or refilled only on demand by a consumer at the time of the in-person sale.
- A growler shall be filled or refilled only with beer from the original container procured from a duly licensed wholesaler.

- A retailer, or their employees, may exchange a growler to be filled or refilled, provided the exchange occurs at the time of the in-person sale.
- The filling or refilling of a growler shall at all times be conducted in compliance with applicable ***state and federal food safety statutes and regulations***. To ensure compliance with Iowa food safety and licensing statutes and regulations, please review the Fact Sheet for Businesses Filling Growlers or contact your local food licensing agency by visiting <https://ia.foodprotectiontaskforce.com/library/>.

Sealing requirements

A filled or refilled growler shall be securely sealed at the time of the sale by a retailer, or their employee, in the following manner:

- A growler shall bear a twist-type cap, screw-on cap, flip-top lid, swing-top lid, stopper, or plug.
- A plastic heat shrink wrap band, strip, or sleeve shall extend around the twist-type cap, screw-on cap, flip-top lid, or swing-top lid or over the stopper or plug to form a seal that must be broken upon the opening of the growler.
- The heat shrink wrap seal shall be so secure that it is visibly apparent when the seal on a growler has been tampered with or a sealed growler has otherwise been reopened.
- A growler shall not be deemed an open container, subject to the requirements of Iowa Code sections 321.284 and 321.284A, provided the sealed growler is unopened and the seal has not been tampered with and the contents of the growler have not been partially removed.

Restrictions

- Beer shall not be consumed on the premises of a retailer.
- A growler shall not be filled in advance of a sale.
- A growler filled pursuant to this rule shall not be delivered or direct-shipped to a consumer.
- A growler filled pursuant to this rule shall not be sold or otherwise distributed to a retailer.
- A retailer, or their employees, shall not allow a consumer to fill or refill a growler.
- The filling, refilling and selling of a growler shall be limited to the hours in which beer may be legally sold.
- A filled or refilled growler shall not be sold to any consumer who is under legal age, intoxicated, or simulating intoxication.
- An original container shall be opened only by a retailer, or their employees, for the limited purpose of filling or refilling a growler as provided in this rule.

Violations

- Failure to comply with the requirements and restrictions of this rule shall subject a retailer to the penalty provisions provided in Iowa Code section 123.39.

CONCLUSION

Effective March 9, 2016, a retailer and their employees shall fill, refill, seal, and sell growlers in accordance with rule 185–4.6(123) outlined in this bulletin.

QUESTIONS

If you have any questions concerning this bulletin, please contact Jeffrey Cam, Compliance Officer 1, at Cam@IowaABD.com.


Stephen Larson, Administrator

References and useful information:

State Law: 123.30, 123.39, 123.132, 123.284, 123.284A,

State Rules: 185 Iowa Administrative Code section 4.6(123), 481 Iowa Administrative Code chapter 31

Website Links: <https://abd.iowa.gov/alcohol/new-rules>, <https://ia.foodprotectiontaskforce.com/library/>

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